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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Promotion of the enjoyment of the cultural rights of everyone  
and respect for different cultural identities**

**Report of the United Nations High Commissioner for Human Rights**

**Summary**

The present report is submitted in accordance with Commission on Human Rights resolution 2004/20 in which the High Commissioner for Human Rights was requested to seek information and comments in relation to human rights and cultural diversity, and in particular to the proposal to establish a special rapporteur. The present report contains summaries of the replies from Cuba, the United Nations Children's Fund and several non-governmental organizations.

## **Introduction**

1. The present report is submitted pursuant to Commission on Human Rights resolution 2004/20, in which the High Commissioner for Human Rights was requested to consult States and intergovernmental and non-governmental organizations on the implementation of the resolution and on the possibility of appointing a special rapporteur the basis of whose mandate would be the comprehensive implementation of the resolution. The High Commissioner in notes verbales dated 3 August 2004 and 23 August 2004, invited Member States and United Nations agencies and non-governmental organizations (NGOs) respectively to transmit any information and comments relevant to the subject matter. As of 15 December 2004, a reply had been received from the Government of Cuba. A reply was also received from the United Nations Children's Fund (UNICEF) and several NGOs. Summaries of the replies are contained below. The full submissions can be obtained from the Secretariat.

## **I. REPLIES RECEIVED FROM GOVERNMENTS**

### **Cuba**

2. The Government of Cuba in its reply stresses that respect for cultural identities is a prerequisite for preserving cultural diversity and for maintaining peace. It as well sees culture as one of the roots of development. Cuba reaffirms the importance of cultural rights being accepted by the international community as human rights, therefore being universal, indivisible and independent. In addition, Cuba emphasized that the current neo-liberal process of globalization and the concomitant asymmetrical access to information and communication technology, together with developed countries' aspiration to cultural hegemony, pose a serious threat to cultural diversity. The Government refers specifically to the economic embargo on Cuba imposed by the United States and emphasizes its negative effects in the cultural field.

3. The Government of Cuba believes that the fundamental objective of cultural policies should be to achieve a fair distribution of knowledge and learning, to assert the public right of access to culture in accordance with article 27 of the Universal Declaration of Human Rights. In addition, the cultural heritage of humanity must be preserved, illegal trafficking in cultural goods and services combated, and cultural goods stolen from their countries returned. In that context it condemns the looting and destruction at the museum of Baghdad.

4. The Government of Cuba supports the steps taken towards adoption of a convention on the protection of cultural diversity by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and believes that the convention should acknowledge the role played by cultural expression and dialogue in the defence and preservation of world peace and security, and protect artistic expression during armed conflict and foreign occupation. Lastly, Cuba reiterates its support for the appointment of an independent expert, as advocated in Commission resolutions 2003/26 and 2004/20, who would elevate the promotion and protection of cultural rights to the same level as other rights. Such an expert would contribute, to the integration of a human rights perspective into all United Nations cultural endeavours. He or she would also, for the benefit of the Commission, marshal information on the lessons learnt and good practice at the national level, and contributions from other components of the system, in particular UNESCO, in the ambit of cultural rights, respect for cultural diversity and international cultural cooperation.

## **II. REPLIES RECEIVED FROM ORGANIZATIONS AND BODIES OF THE UNITED NATIONS SYSTEM**

### **UNICEF**

5. UNICEF refers to its commitment to the preservation and reinforcement of cultural diversity. Its mission statement says that UNICEF is guided by the Convention on the Rights of the Child, which specifically recognizes cultural rights for children. Children's cultural rights are understood to include three elements: (a) the right of the child to have his or her culture preserved; (b) the right of the child to know other cultures; and (c) the protection of the child against harmful cultural practices. In addition UNICEF mentions actions it has taken for the promotion of human rights and cultural diversity such as advocacy campaigns to end discrimination against minority children, the setting-up of a web site "(Voices of Youth)" to promote a dialogue between youth from all over the world, multicultural and peace education, support for culturally sensitive programmes that address cultural barriers, and putting an end to traditional practices that are harmful to the health of women and children such as female genital mutilation and sex-selective abortion. UNICEF considers that a thematic procedure would certainly enhance the visibility and understanding of the issue of cultural diversity. If established, it would need to be given adequate financial resources to fully achieve its mandate. As an alternative, UNICEF recommends that States consider urging existing mechanisms, such as treaty monitoring bodies or existing special procedures, to give further attention to the implementation of cultural rights.

### **International Federation of Human Rights Leagues, Franciscans International and International Organization for the Development of Freedom of Education**

6. The International Federation of Human Rights Leagues, Franciscans International and the International Organization for the Development of Freedom of Education provide information about the Observatory on diversity and cultural rights, created in 2004, and constituted of several NGOs with an interest in the possibility of a special procedure on diversity and cultural rights. The NGOs state that respect for and promotion of cultural diversity are a priority in programmes working for peace, democracy and development. They also consider that the international community is not giving the attention to cultural rights that is deserved. They note that the human rights treaty monitoring bodies enjoy some competence in relation to cultural rights but that there is no coherent approach or clear definition. They therefore support the establishment of a special rapporteur that would allow for a better understanding of the definition and content of cultural rights and provide a protection mechanism. The special procedure would also allow for a better dissemination of information on cultural diversity and cultural rights, including obstacles encountered in relation to these questions. The Observatory states that the mechanism would not interfere with the work of the treaty monitoring bodies but, on the contrary, help to strengthen it. The Observatory also notes that the treaty monitoring bodies are already overworked. In conclusion, the organizations state that the creation of a special rapporteur on diversity and cultural rights would be a recognition by the international community of the importance of the issue.

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